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May 24, 2016

VIA ECF AND EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

Re: *Picard v. Kissinger, Adv. Pro. No. 10-04446 (SMB)*
Picard v. Krauss, Adv. Pro. No. 10-04489 (SMB)
Picard v. Dine, Adv. Pro. No. 10-04491 (SMB)
Picard v. Hirsch, Adv. Pro. No. 10-04740 (SMB)
Picard v. Ginsburg, Adv. Pro. No. 10-04753 (SMB)
Picard v. Kohl, Adv. Pro. No. 10-04806 (SMB)

Dear Judge Bernstein:

When we were before the Court on May 17, 2016, I thought Your Honor had announced a clear rule with respect to subpoenas on banks: if the defendant admits under oath that the deposits and withdrawals are accurately stated on Exhibit B to each complaint, the Trustee cannot serve a subpoena on the defendant's bank seeking production of bank records for the years in which the defendant admits the deposits and withdrawals. Unfortunately, following May 17, I have received several bank subpoenas from the Trustee's counsel. In one case, the Trustee's counsel has agreed that the subpoena will not be served so long as we provide the required sworn statement. However, in other cases, the Trustee's counsel have refused to comply with the Court's order.

In the hopes of avoiding further burden on the Court with respect to this issue, I enclose a proposed order which (hopefully) will resolve this issue.

Yours respectfully,

/s/ Helen Davis Chaitman

Helen Davis Chaitman Esq.

HDC/leb
Encls.

CHAITMAN LLP

Honorable Stuart M. Bernstein
In re Madoff, Adv. Pro. Nos. 10-04446, 10-04489
10-04491, 10-04740, 10-04753, , 10-04806
May 24, 2016

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